Attorney's Docket No.: 76958.P003 PATENT

## SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION

| As a below named inventor, I hereby declare that:  |   |  |  |
|--|---|--|--|
| My residence, post office address, and citizenship are as stated below, next to my name. |   |  |  |
| and joint inventor (if   | ne original, first, and sole inventor (if only one name is listed below) or an original, first, plural names are listed below) of the subject matter that is claimed and for which a the invention entitled <u>SYSTEM AND METHOD FOR RADIOGRAPHIC IMAGING</u> |  |  |
| OF TISSUE  |   |  |  |
| the specification of or PCT International  | which was filed on <u>September 8, 1998</u> as United States Application No. <u>09/149,734</u> . Application No   |  |  |
|  | at the subject matter   |  |  |
| _X   | that is claimed and for which a patent is sought on the invention in the patent application as filed,   |  |  |
| ·  | of the claim(s) as allowed,   |  |  |
| <del></del>  | of the attached amendment(s),   |  |  |
|  | of the amendment(s) filed on or about<br>in the above-identified application,   |  |  |
|  | of the amendment(s) filed on or about, in Application No filed, which is a continuation divisional  |  |  |
|  | of Application No filed,  |  |  |
|  |   |  |  |

was part of my or our invention and was invented before the filing date of the original application, above-identified for such invention.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. Section 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. Sections 119(a)-(d) or 365(b) of any foreign applications for patent or inventor's certificate, or 365(a) of any PCT international application that designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application, having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s  | ))   |  | Priorii<br><u>Claim</u>   |  |
|--|--|--|---|--|
| Number   | Country  | Day/Month/Year Filed   | Yes   | No   |
| Number   | Country  | Day/Month/Year Filed   | Yes   | No   |
| Number   | Country  | Day/Month/Year Filed   | Yes   | No   |
| I hereby claim the benefit listed below:   | under 35 U.S.C. Sec  | ction 119(e) of any United States  | provisional a   | applications   |
| Application Number   | Filing C   | Date Date  |   |  |
| Application Number   | Filing I   | Filing Date  |   |  |
| PCT international application subject matter of each of tinternational application in acknowledge the duty to determine the control of the co | ion designating the Une claims of this app<br>the manner provide<br>lisclose all informationich became available | ction 120 of any United States and United States of America, listed bulication is not disclosed in the prid by the first paragraph of 35 U.S on known to me to be material to be between the filling date of the papplication: | pelow and, in<br>or United Sta<br>S.C. Section<br>patentability | sofar as the<br>ites or PCT<br>112, I<br>as defined in |
| (U.S. Parent Application or)<br>PCT Parent No.)  | Parent Filing Date   | (Status – patented, pending, abandoned)  | Parent Patent N<br>(if applicable)                              | o.   |
| (U.S. Parent Application or)<br>PCT Parent No.)  | Parent Filing Date   | (Status – patented,<br>pending, abandoned)   | Parent Patent N<br>(if applicable)                              | 0.   |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of Sole/First Inventor <u>Jesse Salb</u> | · · · · · · · · · · · · · · · · · · · |
|--|---------------------------------------|
| Inventor's Signature                               | Date Apr. 1 26,1999                   |
| Residence Los Angeles, California                  | CitizenshipUnited States of America   |
| (City, State)                                      | (Country)                             |
| Post Office Address 10445 Wilshire Blvd.           |                                       |
| Los Angeles, California 90024                      |                                       |

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## SYSTEM AND METHOD FOR RADIOGRAPHIC IMAGING OF TISSUE

| the sp | ecification of | f which                                 |    |
|--------|----------------|---|----|
|        | X              | is attached hereto.                     |    |
|        |                | was filed on                            | as |
|        |                | United States Application Number        |    |
|        |                | or PCT International Application Number |    |
|        |                | and was amended on                      | ·  |
|        |                | (if applicable)                         |    |

I hereby state that I have reviewed and understand the contents of the above-identified spécification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s)   |   |  | Priori<br><u>Claim</u>                           |                |
|--|---|--|--|----------------|
| (Number)   | (Country)   | (Day/Month/Year Filed)   | Yes  | No             |
| (Number)   | (Country)   | (Day/Month/Year Filed)   | Yes  | No             |
| (Number)   | (Country)   | (Day/Month/Year Filed)   | Yes  | No             |
| I hereby claim the benefit<br>States provisional applica   | •   | States Code, Section 119(  | e) of an   | y United       |
| (Application Number)   | Filing Date   |  |  |                |
| (Application Number)   | Filing Date   |  |  |                |
| States application(s) listed of this application is not of provided by the first para acknowledge the duty to opatentability as defined in | d below and, insofar as disclosed in the prior U graph of Title 35, United disclose all information Title 37, Code of Fed in the filing date of the | States Code, Section 120 states code, Section 120 states application in ed States Code, Section 11 known to me to be material eral Regulations, Section 1 prior application and the na | n of the<br>the mar<br>2, I<br>I to<br>.56 whice | claims<br>nner |
| (Application Number)   | Filing Date   | (Status patented pending   |  | oned)          |
| (Application Number)   | Filing Date   | (Status patented pending   |  | oned)          |

I hereby appoint Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; Amy M. Armstrong, Reg. No. P42,265; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry. Reg. No. P41,600; Jordan Michael Becker, Reg. No. 39,602; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; Gregory D. Caldwell, Reg. No. 39,926; Kent M. Chen, Reg. No. 39,630; Lawrence M. Cho, Reg. No. 39,942; Yong S. Choi, Reg. No. P43,324; Thomas M. Coester, Reg. No. 39,637; Roland B. Cortes, Reg. No. 39,152; Barbara Bokanov Courtney, Reg. No. P42,442; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Tarek N. Fahmi, Reg. No. 41,402; James Y. Go. Reg. No. 40,621; Richard Leon Gregory, Jr., P42,607; Dinu Gruia, Reg. No. P42,996; David R. Halvorson, Reg. No. 33,395; Thomas A. Hassing, Reg. No. 36,159; Phuong-Quan Hoang, P41,839; Willmore F. Holbrow III, Reg. No. P41,845; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Dag H. Johansen, Reg. No. 36,172; William W. Kidd, Reg. No. 31,772; Tim L. Kitchen, Reg. No. P41,900; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. P42,879; Darren J. Milliken. P42,004; Thinh V. Nguyen, P42,034; Kimberley G. Nobles, Reg. No. 38,255; Michael A. Proksch, Reg. No. P43,021; Babak Redjaian, P42,096; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Anand Sethuraman. Reg. No. P43,351; Charles E. Shemwell, Reg. No. 40,171; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Allan T. Sponseller, Reg. No. 38,318; Geoffrey T. Staniford, P43,151; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. P42,179; Edwin H. Taylor, Reg. No. 25,129; George G. C. Tseng, Reg. No. 41,355; Lester J. Vincent, Reg. No. 31,460; John Patrick Ward, Reg. No. 40,216; Stephen Warhola, Reg. No. P43,237; Ben J. Yorks, Reg. No. 33,609; and Norman Zafman, Reg. No. 26,250; my attorneys: and Robert Andrew Diehl, Reg. No. 40,992; my patent agent, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles. a California 90025, telephone (310) 207-3800, and James R. Thein, Reg. No. 31,710, my patent attorney; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

| Full Name of Sole/First       | Inventor <u>Jesse Sa</u>                | alb           |                            |
|-------------------------------|---|---------------|----------------------------|
| Inventor's Signature          | June Sel                                | <b></b> Date_ | September 5, 1998          |
| Residence Los I               | V                                       |               | United States<br>(Country) |
| Post Office Address 10<br>Los | 445 Wilshire Blvd.<br>Angeles, CA 90024 |               |                            |

## Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.